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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/99, in which the Secretary-General was requested to report to the Assembly at its seventy-second session on the implementation of the resolution.

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1. The present report is submitted pursuant to General Assembly resolution 71/99, in which the Assembly called upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981) of 17 December 1981, in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision. In Assembly resolution 71/99, that call by the Council was repeated. The Assembly reaffirmed the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan. In addition, the Assembly called upon Member States not to recognize any of the legislative or administrative measures and actions taken by Israel and requested the Secretary-General to report to the Assembly at its seventy-second session on the implementation of the resolution.

2. On 15 August 2017, the Office of the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, sent a note verbale to all permanent missions to the United Nations Office and other international organizations in Geneva, requesting Member States to provide information on any steps that they had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. Responses were received from the Permanent Missions of Denmark, Iraq, Israel, the Syrian Arab Republic and Venezuela (Bolivarian Republic of).[1]

3. In its reply dated 30 August 2017, the Permanent Mission of the Syrian Arab Republic highlighted that, since 1967, the international community had consistently expressed its rejection of the Israeli occupation of the Syrian Golan in 1967 and had called, through the relevant Security Council and General Assembly resolutions, for the withdrawal of Israel, the occupying Power, from the entire Syrian Golan. It added that resolution 71/99 reaffirmed the illegality of the decision taken by Israel on 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, and considered it null and void and without international legal effect, pursuant to Council resolution 497 (1981).

4. The Syrian Arab Republic recalled that, after 51 years of occupation, Israel continued to disregard the relevant United Nations resolutions, benefiting from immunity provided by western States in the General Assembly and a number of permanent members of the Security Council. It noted that violations of the human rights of Syrian citizens of the Golan continued, including through expansion of settlements and the imposition of restrictions on all aspects of life, with the aim of displacing the Syrian people and changing the demographic reality of the occupied Syrian Golan.

5. The Permanent Mission stressed that the Syrian Arab Republic had consistently affirmed that reaching a just and comprehensive peace in the Middle East required the implementation of relevant United Nations resolutions in which the end of the Israeli occupation of the Syrian Golan and other occupied Arab territories was called for, including Security Council resolutions 497 (1981), 338 (1973) and 242 (1967), and the principle of land for peace, on which the Madrid peace process, launched in 1991, is based.

[1] The note verbale sent to all missions on 15 August 2017 referred in error to General Assembly resolution 71/24; it should have referred to resolution 71/99. A corrected note verbale was sent to all missions on 22 September, in which Member States that had responded to the note verbale of 15 August were requested to indicate whether they wished to retain, amend or withdraw their initial responses. The replies included in the present report reflect the changes requested by those Member States in accordance with the note verbale of 22 September.

6. The Syrian Arab Republic highlighted that the practices of Israel, the occupying Power, reflected its rejection of ending its occupation of the Syrian Golan and other Arab territories and its attempt to consolidate the occupation, taking advantage of new international and regional developments. The Permanent Mission regretted that the international community continued to ignore Israel's violations of international law, international humanitarian law and international human rights law in the occupied Syrian Golan, the occupied Palestinian territories and other Arab occupied territories.

7. The Syrian Arab Republic reiterated the need for the international community to condemn Israeli violations of international law and of Security Council resolutions relating to counter-terrorism in its provision of logistical and military support to terrorist groups in the separation zone in the occupied Syrian Golan and beyond, and the repeated and direct Israeli acts of aggression against the territory of the Syrian Arab Republic in support of terrorist groups, in particular Council-designated terrorist group Jabhat al-Nusra.

8. Furthermore, the Syrian Arab Republic condemned Israeli practices and conduct aimed at controlling, expanding its control of and exploiting natural resources in the occupied Syrian Golan, in violation of Security Council resolution 497 (1981) and General Assembly resolution 71/247 on the permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources.

9. The Syrian Arab Republic condemned the Israeli settlement policy in the occupied Syrian Golan, noting that Israel continued to disregard international law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, by its construction of settlements and housing units. It also condemned practices violating the economic, social, cultural, political and civil rights of the Syrian people of the occupied Syrian Golan, including the confiscation of lands, including of approximately 28 per cent of the agricultural land belonging to Syrians and the surrounding areas, with the aim of establishing military outposts; the planting of mines; the imposition of excessive taxes on the population; and the establishment of illegal economic projects, such as the building of power plants, the exploitation of small springs and the exploitation of Lake Masada, the largest water reservoir, for the use of settlers solely. The Syrian Arab Republic noted that such practices included the extraction of underground resources, especially oil, from the Golan in cooperation with western and American companies, in flagrant violation of international law and United Nations resolutions. In addition, the Syrian Arab Republic condemned the detention by Israel of Syrians from the occupied Golan in Israeli jails and the laying of mines next to Syrian citizens' homes in an attempt to weaken their resoluteness under Israeli occupation and push them to leave their land.

10. The Syrian Arab Republic highlighted its categorical rejection of the decision by Israel, the occupying Power, to hold elections for the local councils in the occupied Syrian Golan in 2018, which it considered to be in clear defiance and flagrant violation of the relevant Security Council resolutions and of Syrian sovereignty. It noted that the decision was unequivocally rejected by the people of the occupied Syrian Golan, who had issued a statement affirming their commitment to the Syrian identity and national unity against the "Zionist projects" of the occupying Power.

11. The Syrian Arab Republic stressed the need to compel Israel to comply with the Fourth Geneva Convention and emphasized that Member States of the United Nations must not recognize any legal status arising from violations of international

law by Israel, or provide Israel with any assistance that may be used in settlements in the occupied Syrian Golan.

12. As in previous notes verbales, the Syrian Arab Republic reiterated its request to the Secretary-General, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the International Committee of the Red Cross to ensure more humane conditions for Syrian prisoners in Israeli detention centres, to ensure that unfair trials are stopped, including, most recently, the trial of Sidqi al-Maqt, and to request the immediate release of all such detainees.

13. The Syrian Arab Republic reiterated that, for the sake of the stability of the Middle East, the United Nations, in order to preserve its credibility, must take the measures necessary to implement all relevant resolutions relating to the Israeli occupation of the occupied Arab territories, without discrimination or selectivity.

14. The Syrian Arab Republic concluded by reaffirming that the achievement of a just and comprehensive peace required that Israel withdraw from all the Arab territories occupied since 1967 and that a Palestinian State with Jerusalem as its capital be established.

15. On 24 August, a response was received from the Permanent Mission of Iraq. In the response, the Mission expressed its full support for General Assembly resolution 71/99, calling upon all Member States to comply therewith. The Mission stressed that all Israeli policies aimed at changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, including through settlement expansion, were null and void and in clear violation of international law, the Charter of the United Nations and relevant United Nations resolutions. The Mission called upon the international community to fulfil its responsibilities in line with international law and relevant United Nations resolutions, and to prevent Israel from committing continuous and repeated violations, including the illegal exploitation of the natural resources of the occupied Syrian Golan, in contravention of the principle of the permanent sovereignty of peoples under occupation over their natural resources.

16. On 24 August, a response was received from the Permanent Mission of the Bolivarian Republic of Venezuela, in which the Mission expressed its support for direct peace talks between the Syrian Arab Republic and Israel, noting that the talks should result in the withdrawal of Israel from the occupied Syrian Golan. The Mission highlighted the sovereignty of the Syrian Arab Republic over the occupied Syrian Golan, in line with international law, the Charter of the United Nations, relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 467 (1980) and 497 (1981), and the Madrid peace process. The Mission also highlighted that it supported relevant decisions of the General Assembly, the Council, regional and international forums, the Movement of Non-Aligned Countries and the summit held in Isla Margarita, the Bolivarian Republic of Venezuela, on 17 and 18 September 2016, where the Heads of State and Heads of Government of the Movement of Non-Aligned Countries reaffirmed the illegality of the decision taken by Israel on 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan and considered it null and void and without international legal effect.

17. The Bolivarian Republic of Venezuela emphasized its concerns about the unwillingness of the State of Israel, the occupying Power, to end violence in the occupied Syrian Golan and the occupied Palestinian territories, noting that such violence was generated by its continuous violations of international human rights and humanitarian law. The Bolivarian Republic of Venezuela also called upon Israel to comply with the provisions of the Fourth Geneva Convention, applicable to Syrian detainees in the occupied Syrian Golan, and expressed its concern regarding

the conditions under which Syrian detainees are held in the occupied Syrian Golan, in violation of international humanitarian law. The Bolivarian Republic of Venezuela also expressed its concern about the grave consequences of the prolonged occupation, including the expansion of settlements and the exploitation of and damage to natural resources, fauna and flora, noting that those actions were aimed at modifying the geographic composition of the Syrian territory and were detrimental to the lives of its inhabitants.

18. In addition, on behalf of the Secretary-General, the Office of the United Nations High Commissioner for Human Rights, pursuant to the request of the General Assembly, brought resolution 71/99 to the attention of the international community, including the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations. A response was received from the secretariat of the Economic and Social Commission for Western Asia

19. On 28 August, the secretariat of the Economic and Social Commission for Western Asia sent a response referring to Economic and Social Council resolution 2016/14 and General Assembly resolution 71/247. The Commission attached thereto the report that it had submitted in compliance with both resolutions, entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan" (A/72/90-E/2017/71, paras. 81-88)